

# Amended Exhibit 3-A

TQP DEVELOPMENT, LLC

V.

1-800-FLOWERS.COM, INC., ET AL.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

CASE NO. 2:11-cv-00248-JRG-RSP

Plaintiff's Third Amended Exhibit List

**Presiding Judge**  
Hon. Rodney Gilstrap

**Plaintiff's Attorneys**  
Marc A. Fenster, Alexander C.D. Giza, Adam S. Hoffman, Benjamin T. Wang, Paul A. Kroeger,  
Judith L. Meadow, Andrew Spangler, Michael T. Boardman

**Defendants' Attorneys**  
Debby E. Gunter, Anthony W. Brooks, Bryan P. Clark, Kent E. Baldauf, Jr.,  
Daniel H. Brean, James J. Bosco, Jr.

**Trial Dates**  
November 12th and 18th of 2013

**Court Reporter**  
Shelley Holmes

**Courtroom Deputy**  
Becky Andrews

\*\* Categories: (A) - Will Use; (B) - May Use; (C) Probably Won't Use

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX1	United States Patent No. 5,412,730 (ribbon copy)	TQP0077289-77304						
PX2	Granicus IP, LLC Certificate of Membership Interest in Safe Sales Tech, LLC dated 5/22/08	TQP0071147						
PX3	Safe Sales Tech, LLC Certificate of Filing Formation Documents	TQP0071141-71146						
PX4	Spangenberg Family Foundation to Benefit Children's Education and Healthcare Certificate of Membership Interest in Safe Sales Tech, LLC dated 11/4/08	TQP0071148					FRE 402, 403	
PX5	Company Agreement of Safe Sales Tech, LLC dated 5/22/08	TQP0071149-71176						
PX6	Organizational Consent of Sole Manager of Safe Sales Tech, LLC dated 5/22/08	TQP0071177-71179						
PX7	Unanimous Written Consent of Sole Manager of Safe Sales Tech, LLC dated 8/26/08	TQP0071180-71181						
PX8	Certificate of Amendment changing Safe Sales Tech, LLC to The PacID Group, LLC dated 08/26/08	TQP0071182-71186						
PX9	First Amended and Restated Company Agreement of TQP Development, LLC dated 11/4/08	TQP0071187-71216						
PX10	Granicus IP, LLC Certificate of Membership Interest in TQP Development, LLC dated 11/4/08	TQP0071217						
PX11	WITHDRAWN	N/A					FRE 402, 403	
PX12	Consent of Sole Manager of TQP Development, LLC dated 11/4/08	TQP0071219						
PX13	Patent Purchase Agreement between Telequip and Safe Sales Tech	TQP0070567-0070581						
PX14	Certificate of Amended changing The PacID Group, LLC to TQP Development, LLC dated 11/4/08	TQP0071220-71224						

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX15	Unanimous Written Consent of Sole Manger of The PacID Group, LLC dated 11/4/08	TQP0071225-71226						
PX16	TT IP, LLC Assignment	TQP0081911-81912						
PX17	United States Patent and Trademark Patent Assignment Abstract of Title for United States Patent No. 5,412,730	TQP0114924-114925						
PX18	WITHDRAWN	N/A					FRE 802	
PX19	WITHDRAWN	N/A					FRE 802	
PX20	WITHDRAWN	N/A					FRE 802	
PX21	WITHDRAWN	N/A					FRE 802	
PX22	WITHDRAWN	N/A					FRE 802	
PX23	WITHDRAWN	N/A					FRE 802	
PX24	WITHDRAWN	N/A					FRE 802	
PX25	WITHDRAWN	N/A					FRE 802	
PX26	WITHDRAWN	N/A					FRE 802	
PX27	WITHDRAWN	N/A					FRE 802	
PX28	WITHDRAWN	N/A					FRE 802	
PX29	WITHDRAWN	N/A					FRE 802	
PX30	WITHDRAWN	N/A					FRE 402, 403, 802	
PX31	WITHDRAWN	N/A					FRE 402, 403, 802	
PX32	WITHDRAWN	N/A					FRE 802	
PX33	Anatomy and Performance of SSL Processing	BECK_NEWEGG000327-336					FRE 402, 403, 802	
PX34	Protecting Consumer Privacy in an Era of Rapid Change - Recommendations for Businesses and Policymakers, FTC, March 2012	BECK_NEWEGG003121-3232					[Withdrawn]	
PX35	WITHDRAWN	N/A					FRE 802	
PX36	WITHDRAWN	N/A					FRE 802	
PX37	WITHDRAWN	N/A					FRE 802	
PX38	WITHDRAWN	N/A					FRE 402, 403,802	
PX39	Stock Purchase Agreement between Crane Co., Telequip Corporation, The Sellers' Representative Committee, Certain Shareholders of Telequip Corporation for the Purchase and Sale of the Capital Stock of Telequip Corporation (Exhibit 3 to Anthony D'Iorio deposition)	Crane00065-303					[Withdrawn]	
PX40	WITHDRAWN	N/A					FRE 402, 403, 802	
PX41	WITHDRAWN	N/A					FRE 402, 403	

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX42	TQP Development, LLC Transaction Detail Account from March 2009 through July 2012 (Exhibit 12 to Erich Spangenberg deposition)	TQP0126214-126215					FRE 402, 403, 802, D	
PX43	TQP Development, LLC Transaction Detail Account from October 2012 through May 2013 (Exhibit 10 to David Pridham deposition)	TQP0136087					FRE 402, 403, 802	
PX44	Newegg Profile, biz.yahoo.com, accessed May 10, 2013	BECK_NEWEGG002784-1785						
PX45	Newegg Fact Sheet, newegg.com, accessed May 13, 2013	BECK_NEWEGG002112						
PX46	Where the Tech Buffs Shop, businessweek.com, November 17, 2005	BECK_NEWEGG004240-4241						
PX47	Branching out from techie heaven, latimes.com, dated December 29, 2007	BECK_NEWEGG000404-405						
PX48	Techies Like Cracking Newegg, Pittsburgh Tribune-Review, dated January 13, 2008	BECK_NEWEGG003775-3778						
PX49	Newegg.com Adds Wireless Service As Part Of Broader Expansion, Twice, dated August 20, 2007	BECK_NEWEGG002789-2790						
PX50	Newegg Sees Significant Black Friday Growth, Looks to Expand Its Base, dated December 21, 2008	BECK_NEWEGG002786-2787						
PX51	Newegg, forbes.com, accessed May 13, 2013	BECK_NEWEGG002788-1-2789-1						
PX52	WITHDRAWN	N/A					Improper Ex.	
PX53	WITHDRAWN	N/A					Improper Ex.	
PX54	Customer Log In and Sign Up Page, newegg.com, accessed June 19, 2013	BECK_NEWEGG000587						
PX55	Customer Log In and Sign Up Page, neweggbusiness.com, accessed June 19, 2013	BECK_NEWEGG000588						
PX56	Newegg's Privacy Policy, www.newegg.com, accessed June 19, 2013	BECK_NEWEGG002791-2794						
PX57	Newegg Income Statement	NEW_TQP003433-3462					FRE 402, 403	
PX58	Settlement Agreement between TQP Development, LLC and Jefferies & Company, Inc., dated February 20, 2013	TQP0127672-127688					Improper Ex., [FRE 402, 403]	
PX59	Settlement Agreement between TQP Development, LLC and Broadcast Music, Inc., dated March 31, 2010	TQP0070689-70703					FRE 402, 403	
PX60	Settlement Agreement between TQP Development, LLC and TT IP, LLC, Oppenheimer Funds, Inc.; Dodge & Cox; New York Life Insurance and Annuity Corporation; New York Life Insurance Company; Nationwide Investment Services Corporation; Nationwide Mutual Insurance Company; The Travelers Indemnity Company; and The Travelers Companies, Inc., dated December 28, 2011	TQP0081838-81910; and 371361_1-371364_1; (Previously Produced at 80596-80606 but was incomplete; reproduced with the correct bats no. above)					FRE 402, 403	

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX61	Settlement Agreement between TQP Development, LLC and Micro Electronics, Inc., dated June 8, 2011	TQP0077905-77915					FRE 402, 403	
PX62	Patent License and Assignment Option Agreement between TQP Development, LLC and RPX Corporation, dated May 4, 2009	TQP0071101-71125					[Withdrawn]	
PX63	Patent Portfolio License between MPEG LA, LLC and Magnell Associate, Inc., dated January 26, 2007 (Exhibit 3 to Lee Cheng deposition, dated April 11, 2013)	NEW_TQP003369-3388					FRE 402, 403	
PX64	WITHDRAWN	N/A					FRE 402, 403, 802	
PX65	WITHDRAWN	N/A					FRE 802	
PX66	WITHDRAWN	N/A					FRE 402, 403, 802	
PX67	WITHDRAWN	N/A					FRE 802	
PX68	WITHDRAWN	N/A					FRE 802	
PX69	Data Encryption Standard (DES), Federal Information Processing Standards Publication, dated October 25, 1999	BECK_NEWEGG000592-617					[Withdrawn]	
PX70	Announcing the Advanced Encryption Standard (AES) csrc.nist.gov dated November 26, 2001	BECK_NEWEGG000342-392					FRE 802	
PX71	WITHDRAWN	N/A					FRE 402, 403 802	

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX72	WITHDRAWN	N/A					FRE 402, 403 802	
PX73	WITHDRAWN	N/A					FRE 802	
PX74	WITHDRAWN	N/A						
PX75	WITHDRAWN	N/A					FRE 402, 403, 802	
PX76	WITHDRAWN	N/A					FRE 402, 403,802	
PX77	WITHDRAWN	N/A					FRE 402, 403, 802	
PX78	WITHDRAWN	N/A					FRE 802	
PX79	WITHDRAWN	N/A					FRE 802	
PX80	WITHDRAWN	N/A					FRE 802	
PX81	WITHDRAWN	N/A					FRE 402, 403, 802	
PX82	WITHDRAWN	N/A					FRE 402, 403 802	
PX83	WITHDRAWN	N/A					FRE 402, 403, 802	
PX84	WITHDRAWN	N/A					FRE 802	
PX85	WITHDRAWN	N/A					FRE 802	
PX86	WITHDRAWN	N/A					FRE 402, 403, 802	
PX87	WITHDRAWN	N/A					FRE 802	
PX88	WITHDRAWN	N/A					FRE 402, 403, 802	
PX89	WITHDRAWN	N/A					FRE 402, 403, 802	
PX90	WITHDRAWN	N/A					FRE 802	
PX91	WITHDRAWN	N/A					FRE 802	
PX92	Newegg Inc. Form S-1A filed March 15, 2010	BECK_NEWEGG002561-2783						
PX93	WITHDRAWN	N/A					FRE 402, 403, 802	
PX94	WITHDRAWN	N/A					FRE 402, 403, 802	
PX95	Development and License Agreement between Lotus Development Corporation and RSA Data Security, Inc., dated July 29, 1986 (Exhibit 1 to James Bidzos deposition)	TQP0126466-126481						
PX96	Patent License Agreement between RSA Data Security, Inc. and Racal Data Communications Inc., dated April 1, 1986	MIT-00056-67					FRE 402, 403	
PX97	Patent License Agreement between RSA Data Security, Inc. and Dynasoft AB, dated June 27, 1996	MIT-00341-353					FRE 402, 403	

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX98	Patent License Agreement between RSA Data Security, Inc. and Intel Corporation, dated August 21, 1996	MIT-00525-534					FRE 402, 403	
PX99	Patent License Agreement between RSA Data Security, Inc. and Data Fellows Oy, dated August 23, 1996	MIT-00354-365					FRE 402, 403	
PX100	Patent License Agreement between RSA Data Security, Inc. and Rainbow Technologies, Inc., dated October 21, 1996	MIT-00327-339					FRE 402, 403	
PX101	License Agreement between RSA Data Security, Public Cryptographic Toolkit Products to IBM and IBM dated December 31, 1997	TQP0128100-128109					FRE 402, 403	
PX102	Patent License Agreement between RSA Data Security, Inc. and nCipher Inc., dated January 15, 1998	MIT-00291-303					FRE 402, 403	
PX103	Patent License Agreement between RSA Data Security, Inc. and MATRAnet, dated February 23, 1998	MIT-00304-317					FRE 402, 403	
PX104	United States Patent No. 4,405,829	BECK_NEWEGG004118-4137						
PX105	WITHDRAWN	N/A					FRE 402, 403	
PX106	WITHDRAWN	N/A					FRE 402, 403, 802	
PX107	WITHDRAWN	N/A					FRE 402, 403	
PX108	WITHDRAWN	N/A					FRE 402, 403	
PX109	WITHDRAWN	N/A					FRE 402, 403	
PX110	WITHDRAWN	N/A					FRE 402, 403	
PX111	WITHDRAWN	N/A					FRE 402, 403	
PX112	WITHDRAWN	N/A					FRE 402, 403	
PX113	WITHDRAWN	N/A					FRE 402, 403	
PX114	WITHDRAWN	N/A					FRE 402, 403	
PX115	Email from A. Saxon to M. Ciccarelli and V. Patel re Moneygram 408 Communications dated September 12, 2012	TQP0346640-346642					FRE 402, 403, 802, 901	
PX116	Email from A. Saxon to C. Phipps re US Airways 408 communications, dated September 11, 2012	TQP0347773					FRE 402, 403, 802, 901	
PX117	Email from J. Spivey to A. Saxon re Piper Jaffray 408 communications, dated May 15, 2012	TQP0351202-351204					FRE 402, 403, 802, 901	
PX118	WITHDRAWN	N/A					FRE 402, 403	
PX119	WITHDRAWN	N/A					FRE 402, 403	
PX120	WITHDRAWN	N/A					FRE 402, 403	
PX121	WITHDRAWN	N/A					FRE 402, 403	
PX122	WITHDRAWN	N/A					FRE 402, 403	
PX123	WITHDRAWN	N/A					FRE 402, 403	
PX124	WITHDRAWN	N/A					FRE 402, 403	

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX125	Newegg Inc. Form S-1 filed September 28, 2009	BECK_NEWEGG002113-2560						
PX126	WITHDRAWN	N/A						
PX127	Newegg Screenshots (Exhibit D to June 24, 2013 Infringement Report of Dr. Trent Jaeger re Newegg)	None						
PX128	Newegg Wireshark Logs (Exhibit E to June 24, 2013 Infringement Report of Dr. Trent Jaeger re Newegg)	None						
PX129	WITHDRAWN	N/A					Improper Ex.	
PX130	WITHDRAWN	N/A					Improper Ex.	
PX131	WITHDRAWN	N/A					Improper Ex.	
PX132	Reexamination File History for United States Patent No. 5,412,730	TQP0076108-77288						
PX133	The SSL Protocol Version 3.0, dated November 18, 1996 (Exhibit 14 to Albert Chong deposition)	TQP000647-710					[Withdrawn]	
PX134	TLS version 1.0 was defined in RFC 2246 and released in January 1999.	TQP000809-888					[Withdrawn]	
PX135	TLS version 1.1 was defined in RFC 4346 and released in April 2006	TQP000889-975					[Withdrawn]	
PX136	TLS version 1.2 was defined in RFC 5246 and released in August 2008.	TQP000976-1079					[Withdrawn]	
PX137	WITHDRAWN	N/A					FRE 802	
PX138	WITHDRAWN	N/A					FRE 402, 403, 802	
PX139	WITHDRAWN	N/A					FRE 402, 403, 802	
PX140	WITHDRAWN	N/A					FRE 402, 403, 802	
PX141	WITHDRAWN	N/A					FRE 402, 403, 802	
PX142	WITHDRAWN	N/A					FRE 402, 403, 802	
PX143	WITHDRAWN	N/A					FRE 402, 403, 802	
PX144	Email from D. Saundres to B. Looney indicating that the RC4 algorithm was set as the first two choices for the TDA NetScalers, dated October 14, 2008 (Dustin Saunders Deposition Exhibit 1)	TDA-Prod_00035916-35918					Improper Ex. & FRE 402, 403, 802	
PX145	Email from J. Dwyer to D. Saunders indicating that the RC4 algorithm was set as the first two choices for the TDA NetScalers, dated November 9, 2005 (Dustin Saunders Deposition 2)	TDA-Prod_00059967-59969					Improper Ex. & FRE 402, 403, 802	
PX146	Newegg Spreadsheet on Orders, Amount and Customers	NEW_TQP026246-26248						
PX147	WITHDRAWN	N/A					FRE 402, 403, 802	



PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX148	WITHDRAWN	N/A					Improper Ex. & FRE 402, 403, 802	
PX149	WITHDRAWN	N/A					Improper Ex. & FRE 402, 403, 802	
PX150	WITHDRAWN	N/A					Improper Ex. & FRE 402, 403, 802	
PX151	WITHDRAWN	N/A					FRE 402, 403, 802	
PX152	WITHDRAWN	N/A					FRE 402, 403, 802	
PX153	WITHDRAWN	N/A					FRE 402, 403, 802	
PX154	WITHDRAWN	N/A					FRE 802	
PX155	WITHDRAWN	N/A						
PX156	WITHDRAWN	N/A						
PX157	File STATE.C State Machine routines for _SECURE.EXE BY Alan Eldridge, dated January 12, 1987 (Exhibit 3 to Alan Eldridge deposition)	IBM000001-19						
PX158	File NTEXTPORT.C -- Exported common net routines for _SECURE.EE by Alan Eldridge, dated February 22, 1988 (Exhibit 4 to Alan Eldridge deposition)	IBM000020-30						
PX159	WITHDRAWN	N/A					FRE 802	
PX160	WITHDRAWN	N/A						
PX161	WITHDRAWN	N/A						
PX162	WITHDRAWN	N/A						
PX163	WITHDRAWN	N/A						
PX164	WITHDRAWN	N/A						
PX165	Flow Diagram (Exhibit 2 to Soren Mills deposition and Exhibit 5 to Albert Chong Deposition)	NEW_TQP000010-12						
PX166	WITHDRAWN	N/A					Improper Ex.	
PX167	Newegg Inc. Screenshots (Exhibit 3 to Soren Mills deposition)	None						
PX168	Newegg Inc. Screenshots (Exhibit 4 to Soren Mills deposition)	None						
PX169	WITHDRAWN	N/A						
PX170	Newegg Inc. Screenshots (Exhibit 6 to Soren Mills deposition)	None						
PX171	Newegg Inc. Screenshots (Exhibit 7 to Soren Mills deposition & Exhibit 9 to Albert Chong deposition)	None						
PX172	Newegg Inc. Screenshots (Exhibit 8 to Soren Mills deposition & Exhibit 11 to Albert Chong deposition)	None						

PLTF EXH. NO	DESCRIPTION	BATES NO.	CATEGORY	MARK ED	OFFER ED	ADMITT ED	OBJECTION	WITNESS
PX173	Newegg Inc. Screenshots (Exhibit 9 to Soren Mills deposition)	None						
PX174	Newegg Inc. Analyst Package, dated November 20, 2012 (Exhibit 10 to Soren Mills deposition)	NEW TQP003433-3462						
PX175	Excerpted Portions of Newegg Inc. Analyst Package, dated November 20, 2012 (Exhibit 11 to Soren Mills deposition)	NEW TQP03448-3449 [excerpted from 3433-3462]					FRE 402, 403	
PX176	SNMP OID Reference (Exhibit 4 to Albert Chong deposition)	NEW TQP016552-16619						
PX177	Newegg.com Screenshots (Exhibit 6 to Albert Chong deposition)	None						
PX178	Newegg.com Screenshots (Exhibit 7 to Albert Chong deposition)	None						
PX179	Newegg.com Screenshots (Exhibit 10 to Albert Chong deposition)	None						
PX180	Newegg.com Screenshots (Exhibit 12 to Albert Chong deposition)	None						
PX181	Citrix NetScaler Traffic Management Guide v 9.0 (Exhibit 13 to Albert Chong deposition)	NEW TQP016620-17149						
PX182	WITHDRAWN	N/A						
PX183	WITHDRAWN	N/A						
PX184	Newegg Inc. Financial Statements as of December 31, 2010 and 2009 and for the years ended December 31, 2020, 2009 and 2008 (Exhibit 2 to Rick Quiroga deposition)	NEW SFA004128-4158					FRE 402, 403	
PX185	WITHDRAWN	N/A						
PX186	Email chain between A. Noto, M. McLaughlin and A. D'Iorio, dated August 21, 2007 (Exhibit 7 to Anthony D'Iorio deposition)	Crane01454-1461					[Withdrawn]	
PX187	WITHDRAWN	N/A					FRE 402, 403, 802	
PX188	TQP Development, LLC's Exhibit A to Infringement Contentions, dated May 2, 2013 re Newegg Settlement Agreement between TQP Development, LLC and International Business Machines on behalf of itself and Kenexa Brassring, Inc., dated December 31, 2013	TQP/1-800-Flowers-IC 000524-645					Improper Ex. & FRE 402, 403, 802	
PX189		TQP0127617-127633					Untimely; FRE 402, 403	